



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
December 7, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, December 7, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder, Sr. Executive Assistant Amanda Brock and Clerk to Council, Elizabeth G. Hulse present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Dick Mangrum – WGOG Radio, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

Call to Order:

Mr. Dexter called the meeting to order at 6:03 p.m.

Extended Public Comment Session:

None scheduled for this meeting.

Prior to Public Comment Mr. Thrift read a statement into the record on behalf of Council regarding citizen participation in the meetings. Text from the statement is below.

I want to make a statement regarding public input at our meetings. As everyone knows we are required by state law to hold all meetings publicly and we do. We provide a public comment session at the beginning of each meeting for both agenda and non agenda items. This is not required by law but we all feel it is beneficial to hear from the people regarding possible actions by council.

It is important that everyone understand that our meetings are public but they ARE NOT the public's meeting. The public are present as observers at our meetings. Our number one priority is to conduct business for the citizens of this county.

We do not run our meetings in a town hall format where anyone can call out a comment or question from the floor. Everyone speaking before Council should do so in a civil manner. We will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council allows for as much input as possible with our agenda format. I would ask all citizens to address Council and all Boards and Commission appointed by Council at the appropriate time as noted on their agendas and in an appropriate manner.

Public Comment Session [related to specific agenda items]:

Mr. Phil Soper addressed Council noting confusion with the various maps presented for review for Ordinances 2010-15 and 2010-16.

Mr. Devoe Blackston addressed Council requesting that the 10.3 acre parcel that is undeveloped in the Heritage Shores rezoning request be removed from consideration.

Mr. Thomas Hodge addressed Council regarding his support for responsible growth in the county and requested that Council approve Ordinance 2010-15 utilizing the Lake Residential classification.

Ms. Jean Jennings addressed Council reading from a prepared statement [copy filed with these minutes] requesting Council to approve Ordinance 2010-16 as submitted and approved by the Planning Commission.

Mr. Fred Isley addressed Council regarding this support for the Planning staff's recommendation for Ordinance 2010-15.

Mr. C. W. Richards addressed Council voicing concerns about the zoning process.

Mr. Bo Horne addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] voicing concerns that the zoning process is unfair in the way it is being applied.

Public Comment Session [related to non-agenda items]:

Mr. Ben Turetzky addressed Council utilizing a handout [copy filed with these minutes] from Title 6, Chapter 29, Article 1 – Creation of Local Planning Commission of South Carolina state law noting that council is not bound by the Planning Commission recommendations when re-zoning.

Mr. Tom Markovich addressed Council regarding his concerns with the re-zoning process; requesting Council review and fix issues that continue to arise with each zoning request.

County Council Response to Public Comment:

Mr. Suarez noted that he too was somewhat confused by the various maps presented to Council for consideration with Ordinance 2010-15 and 2010-16.

Mr. Dexter addressed inaccurate comments made by Mr. Horne to include: [1] he did not run to overturn the Zoning Enabling Ordinance [ZEO], [2] his only comments to the Planning Commission regarding the ZEO or Future Land Use Map [FLUM] were made prior to taking office, [3] he nor his wife signed a petition when his subdivision was submitted for rezoning – it was not his petition, and [4] he did not berate the Planning Director, that was another Council member.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:53 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:08 p.m.

Pledge of Allegiance: Mr. McCall led the Pledge of Allegiance to the United States of America.

Minutes:

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 that the minutes from the November 23, 2010 regular meeting be adopted as printed.

Public Hearing regarding the following Ordinances:

Ordinance 2010-32 “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04 and 2010-24 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK.”

Ordinance 2010-33 “AN ORDINANCE AMENDING THE OCONEE COUNTY CODE OF ORDINANCES, SECTION 34-1 RELATING TO THE OCONEE COUNTY INFRASTRUCTURE ADVISORY COMMISSION”

Ordinance 2010-34 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND SCHNEIDER ELECTRIC USA, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT”

Ordinance 2010-36 “AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2011, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO”

Ordinance 2010-37 “An Ordinance Authorizing The Transfer of An Easement For Ingress, Egress and Utilities across Certain Oconee County Real Property and Authorizing the Execution and Delivery of an Agreement Related to the Same; and Other Matters Related Thereto.” and Easement Agreement

Mr. Dexter opened the Public Hearing regarding these five ordinances.

Mr. C. W. Richard addressed Council regarding Ordinance 2010-34 requesting a cost benefit analysis and 2010-36 noting that Council does not have a plan for the new detention center therefore the bond amount can not be properly identified.

Mr. Bo Horne addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] regarding Ordinance 2010-33 voicing concerns regarding the percentage of representation for the municipalities and infrastructure entities on the Advisory Commission and Ordinance 2010-36 noting Council does not have a plan for the new facility.

Mr. Dexter opened the floor for additional citizens wishing to make public comment regarding each of the five ordinances. There were no additional citizen comments.

Mr. Dexter asked if any citizens wished to submit any written comments regarding each of the five ordinances. None were submitted for inclusion with the minutes.

Mr. Dexter closed the public hearing regarding these ordinances.

Consideration of the Following Resolutions:

Resolution R2010-18

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Resolution R2010-18** “A RESOLUTION INITIATING A COUNTY WAYFINDING SIGN PROGRAM” on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2010-32

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2010-32** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04 and 2010-24 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” on third and final reading.

Ordinance 2010-33

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to approve amended **Ordinance 2010-33** “AN ORDINANCE AMENDING THE OCONEE COUNTY CODE OF ORDINANCES, SECTION 34-1 RELATING TO THE OCONEE COUNTY INFRASTRUCTURE ADVISORY COMMISSION” on third and final reading.

Ordinance 2010-34

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve amended **Ordinance 2010-34** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND SCHNEIDER ELECTRIC USA, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT” on third and final reading.

Ordinance 2010-36

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 – 1 [Mr. McCall abstaining – form filed with these minutes] to approve **Ordinance 2010-36** “AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2011, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on third and final reading.

Ordinance 2010-37

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Ordinance 2010-37** “AN ORDINANCE AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ACROSS CERTAIN OCONEE COUNTY REAL PROPERTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO” to include an easement agreement on third and final reading.

Ordinance 2010-15

Mr. McCall made a motion, seconded by Mr. Corbeil to approve **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on second reading.

Mr. Martin noted that all maps presented for Council consideration for this ordinance have been presented and reviewed by the Planning Commission.

Mr. McCall made a motion, seconded by Mr. Thrift, to amend **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” to replace the map currently labeled as Exhibit A with Map #1 as presented. The motion was defeated 2 – 3 [Mr. Dexter, Mr. Corbeil and Mr. Suarez opposed].

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 3 – 2 [Mr. Thrift and Mr. McCall opposed] to amend **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” replacing the map currently labeled as Exhibit A with Map #3 as presented. After the vote, Mr. McCall voiced concerns that Council was not taking into account the wishes of the citizens impacted by this ordinance and Ordinance 2010-16.

Mr. Dexter called for the vote for second reading of **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” as amended. The motion passed 3 – 2 [Mr. Thrift and Mr. McCall opposed].

Ordinance 2010-16

Mr. Corbeil made a motion, seconded by Mr. Thrift to approve **Ordinance 2010-16** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on second reading.

Mr. Martin again noted that all maps presented for Council consideration for this ordinance have been presented and reviewed by the Planning Commission.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 3 – 2 [Mr. Thrift and Mr. McCall opposed] to amend **Ordinance 2010-16** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” replacing the map currently labeled as Exhibit A with Map #3 as presented.

Mr. Dexter called for the vote for second reading of **Ordinance 2010-16** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” as amended. The motion passed 3 – 2 [Mr. Thrift and Mr. McCall opposed].

Ordinance 2010-35

Mr. Corbeil made a motion, seconded by Mr. Dexter to approve **Ordinance 2010-35** “AN ORDINANCE TO AMEND THE ZONING ENABLING ORDINANCE PURSUANT TO A CITIZEN-INITIATED REQUEST TO REZONE A SERIES OF PARCELS REFERENCED AS **HERITAGE SHORES SUBDIVISION**” on second reading.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to amend **Ordinance 2010-35** “AN ORDINANCE TO AMEND THE ZONING ENABLING ORDINANCE PURSUANT TO A CITIZEN-INITIATED REQUEST TO REZONE A SERIES OF PARCELS REFERENCED AS **HERITAGE SHORES SUBDIVISION**” replacing the map currently labeled as Exhibit A with the Planning Commission’s recommended map.

Mr. Dexter called for the vote for second reading of **Ordinance 2010-35** “AN ORDINANCE TO AMEND THE ZONING ENABLING ORDINANCE PURSUANT TO A CITIZEN-INITIATED REQUEST TO REZONE A SERIES OF PARCELS REFERENCED AS **HERITAGE SHORES SUBDIVISION**” as amended. The motion passed 5 – 0.

Ordinance 2010-38

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve as presented in the agenda packages **Ordinance 2010-38** “AN ORDINANCE ACKNOWLEDGING THE ACCEPTANCE OF CERTAIN ROADS INTO THE OCONEE COUNTY ROAD SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS EASEMENT AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO” on second reading.

Ordinance 2010-39

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-39** “AN ORDINANCE AUTHORIZING THE CREATION OF AND PARTIAL FUNDING OF A NEW WORTHLESS CHECK UNIT IN THE OFFICE OF THE TENTH CIRCUIT SOLICITOR, IN OCONEE COUNTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN OCONEE COUNTY AND THE TENTH CIRCUIT SOLICITORS OFFICE REGARDING THE CREATION OF AND FUNDING FOR SUCH WORTHLESS CHECK UNIT; AND OTHER MATTERS RELATED THERETO” on first reading in title only.

Ordinance 2010-40

Mr Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-40** “AN ORDINANCE TO AMEND THE ZONING ENABLING ORDINANCE PURSUANT TO A CITIZEN-INITIATED REQUEST TO REZONE A SERIES OF PARCELS REFERENCED AS **ROCK CREEK**” on first reading in title only.

Discussion & Possible Action Items:

Memorandum of Understanding between the Town of Salem, OCPL and the County.

Mr. Biff Kennedy, OCPL Board Chair, addressed Council regarding the request to formalize the existing verbal agreement between the parties. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to direct the Administrator to execute the Memorandum of Understanding with the Town of Salem and the OCPL.

Board & Commission Appointments:

The Clerk to Council noted that Council continues to solicit for positions that will be open in 2011 on various Boards & Commissions. She noted that the Questionnaire is available on Council website and in the Council office for those interested in serving.

Commission & Board Reports to Council:

Keowee Fire Tax District Commission

Mr. Don Chamberlain, Commission Chair, and Chief Richie Caudill addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] and a handout [copy filed with these minutes] highlighting activities and accomplishments during the last year.

Council Committee Reports:

None scheduled for this meeting.

Administrator's Report:

None scheduled for this meeting.

Old Business:

None discussed at this meeting.

New Business:

Project North Marketing

Mr. McCall proposed hiring an external marketing firm to market the Project North property to prospective industrial/commercial companies. Mr. Corbeil noted that Mr. Alexander, Economic Development Director, along with the County Administrator have met regarding an RFP to hire an external marketing firm to assist the county. Council took no action on this issue at this time.

Executive Session:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter into Executive Session for the purpose of discussing a contractual matter, discussing an economic development matter, and receiving an update regarding two pending litigation matters from the county attorney.

Council entered into Executive Session at 9:34 p.m.

Council returned from Executive Session at 10:36 p.m.

Mr. Dexter noted that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 authorize the County Attorney to move forward on the Lake Yonah matter as discussed in Executive Session

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to authorize the County Attorney to negotiate a settlement regarding the Detention Center matter as discussed in Executive Session.

Adjourn:

Mr. Corbeil made a motion at 10:37 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council